

Return Date: No return date scheduled
Hearing Date: 3/18/2020 9:30 AM - 9:30 AM
Courtroom Number: 2008
Location: District 1 Court
Cook County, IL

FILED
11/19/2019 10:15 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2019CH13371

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

LUCY PARSONS LABS,)	
)	
Plaintiff,)	
)	
v.)	
)	2019CH13371
CHICAGO POLICE DEPARTMENT,)	
)	
Defendant.)	

COMPLAINT

NOW COMES Plaintiff, LUCY PARSONS LABS, by its undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant CHICAGO POLICE DEPARTMENT's failure, in willful violation of the Illinois Freedom of Information Act, to respond to LUCY PARSONS LABS's Freedom of Information Act request pertaining to CPD's Facial Recognition Team. In support of its Complaint, LUCY PARSONS LABS states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/1.2.”

4. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.” 5 ILCS 140/11(h).

PARTIES

5. Plaintiff LUCY PARSONS LABS (“LPL”) is the FOIA requester in this case.

6. Defendant CHICAGO POLICE DEPARTMENT (“CPD”) is a public body located in Cook County, Illinois.

AUGUST 5, 2019, FOIA REQUEST

7. On August 5, 2019, LPL submitted the following FOIA request to CPD: [1] “full roster of Unit 180,” [2] “full roster of any ‘Facial Recognition Team,’ [3] “any training materials, bias reduction guidelines, and other policies that are central to the work of [] the above units.” Exhibit A.

8. Over the next several months, LPL followed up with CPD numerous times. Exhibit B.

9. CPD never responded to LPL at all, let alone within the five-business day statutory deadline.

10. As the date of this filing, CPD has not responded and has produced no records responsive to the request.

COUNT I – AUGUST 5, 2019, FAILURE TO PRODUCE RECORDS

11. The above paragraphs are incorporated by reference.
12. CPD is a public body under FOIA.
13. The records sought in the FOIA request are non-exempt public records of CPD.
14. CPD violated FOIA by failing to respond to the FOIA requests by the required deadline.

COUNT II – AUGUST 5, 2019, FAILURE TO PERFORM AN ADEQUATE SEARCH

15. The above paragraphs are incorporated by reference.
16. CPD is a public body under FOIA.
17. CPD bears the burden of proving beyond material doubt that it performed an adequate search for responsive records.
18. CPD has failed to come forward with sufficient evidence to carry this burden.
19. CPD has violated FOIA by failing to adequately search for responsive records.

COUNT III – AUGUST 5, 2019, WILLFUL AND INTENTIONAL VIOLATION OF FOIA

20. The above paragraphs are incorporated by reference.
21. CPD is a public body under FOIA.
22. The records sought in the FOIA request are non-exempt public records of CPD.
23. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, LPL asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign

this case for hearing and trial at the earliest practicable date, and expedite this case in every way;

- ii. declare that CPD has violated FOIA;
- iii. order CPD to produce the requested records;
- iv. enjoin CPD from withholding non-exempt public records under FOIA;
- v. order CPD to pay civil penalties;
- vi. award LPL reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

Dated: November 19, 2019

RESPECTFULLY SUBMITTED,

/s/ Joshua Hart Burday

Attorneys for Plaintiff
LUCY PARSONS LABS

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Bureau of Detectives - Facial Recognition Team

Share



Freddy Martinez filed this request with the Chicago Police Department of Chicago, IL.

Tracking # D022688-080519

Submitted Aug. 2, 2019

STATUS

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From: Freddy Martinez

08/05/2019

Subject: Illinois Freedom of Information Act. Request: Bureau of Detectives - Facial Recognition Team

[Portal](#)

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

I am requesting the full roster of Unit 180.

I am requesting the full roster of any "Facial Recognition Team".

I am requesting any training manuals, bias reduction guidelines, directives and other policies that are central to the work of these the above units.

It is my understanding that this unit is housed in the Bureau of Detectives so please search for records there but do not limit your search to that bureau if records are stored elsewhere.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Freddy Martinez

Exhibit A

Exhibit B

From: Muckrock Staff	10/31/2019
Subject: RE: Illinois Freedom of Information Act. Request #D022688-080519	None
To Whom It May Concern:	
<p>I wanted to follow up on the following Illinois Freedom of Information Act. request, copied below, and originally submitted on Aug. 2, 2019. Please let me know when I can expect to receive a response. You had assigned it reference number #D022688-080519.</p>	
<p>Thanks for your help, and let me know if further clarification is needed.</p>	
From: Freddy Martinez	11/07/2019
Subject: RE: Illinois Freedom of Information Act. Request #D022688-080519	None

FOIA officer,

Can you tell me where this request is? We sent it on 8/05 and are still awaiting even an acknowledgement letter.

Best,
 Freddy Martinez
 Director, Lucy Parsons Labs

From: Freddy Martinez

11/13/2019

Subject: RE: Illinois Freedom of Information Act. Request #D022688-080519

None

Foia Officer,

This is our third request to follow up with your office that you are processing our request. Back on August 5th, we requested the following records:

"I am requesting the full roster of Unit 180.
 I am requesting the full roster of any "Facial Recognition Team".
 I am requesting any training manuals, bias reduction guidelines, directives and other policies that are central to the work of these the above units."

Lucy Parsons Labs is still waiting on our records or any kind of acknowledgement letter from your office.

Best,
 Freddy Martinez
 Director, LPL

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